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WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

a

JIMMIE ALFRED

DOCKET NO. 13-cv-2391; SEC. P

VERSUS

JUDGE DRELL

CORRECTIONAL OFFICER HOLDEN,
ET AL.

MAGISTRATE JUDGE KIRK

REPORT AND RECOMMENDATION

Pro se Plaintiff Jimmie Alfred filed the instant civil rights complaint pursuant to 42 U.S.C. §1983 on July 31, 2013, while incarcerated at Winn Correctional Center in Winnfield, Louisiana. Plaintiff was granted leave to proceed in forma pauperis on August 5, 2013. [Doc. #4] On August 28, 2013, Plaintiff filed an amended complaint. [Doc. #7] He complained that the defendants violated the Americans with Disabilities Act, subjected him to cruel and unusual punishment, and refused to provide him with medical care. On January 21, 2014, service of process was ordered. [Doc. #11] An answer was filed on September 5, 2014. [Doc. #19]

This matter has been referred to the undersigned for review, report, and recommendation in accordance with the provisions of 28 U.S.C. §636 and the standing orders of the Court.

Applicable Law

Local Rule 41.3 for the Western District of Louisiana provides that "[t]he failure of an attorney ***or pro se litigant*** to keep the court apprised of an address change may be considered cause for dismissal for failure to prosecute when a notice is returned to the

court for the reason of an incorrect address and no correction is made to the address for a period of 30 days.” (Emphasis added.) A notice was sent to Petitioner on August 15, 2014, [Doc. #15] and it was returned to the clerk of court through the postal service as undeliverable on August 21, 2014, noting that the Plaintiff had been released [Doc. #16]. No correction to Petitioner’s address has been made, and more than thirty days have passed since the document was returned.

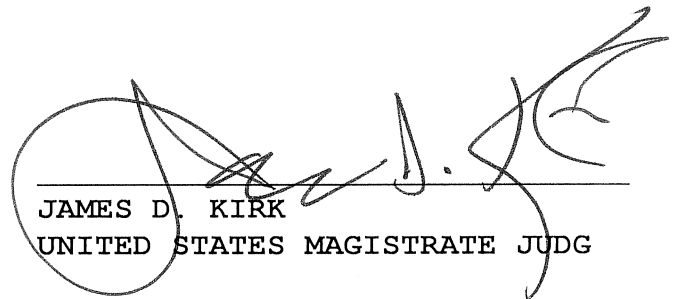
THEREFORE, IT IS RECOMMENDED that Petitioner’s complaint be **DISMISSED WITHOUT PREJUDICE** in accordance with Rule 41.3 of the Local Rules for the Western District of Louisiana for failing to keep the court apprised of his mailing address.

Objections

Under the provisions of 28 U.S.C. §636(b)(1)(c) and Fed.R.Civ.P. 72(b), the parties have fourteen (14) calendar days from service of this Report and Recommendation to file specific, written objections with the clerk of court. A party may respond to another party’s objections within fourteen (14) days after being served with a copy thereof. No other briefs or responses (such as supplemental objections, reply briefs etc.) may be filed. Providing a courtesy copy of the objection to the magistrate judge is neither required nor encouraged. Timely objections will be considered by the district judge before he makes his final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN FOURTEEN (14) CALENDAR DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY, EXCEPT UPON GROUNDS OF PLAIN ERROR, FROM ATTACKING ON APPEAL THE FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE TO WHICH THE PARTY DID NOT OBJECT.

THUS DONE AND SIGNED at Alexandria, Louisiana, this 15th day of October, 2014.



A handwritten signature in black ink, appearing to read "James D. Kirk", is written over a horizontal line. Below the line, the text "JAMES D. KIRK" and "UNITED STATES MAGISTRATE JUDGE" is printed.

JAMES D. KIRK
UNITED STATES MAGISTRATE JUDGE